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Ilya Kolesnikov and Rina Kolesnikov,
on behalf of themselves and all others
similarly situated

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ILYA KOLESNIKOV and RINA
KOLESNIKOV, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

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Case No. CV 10-1577-CW
Assigned to The Hon. Claudia Wilken

**ORDER GRANTING JOINT
STIPULATION TO WITHDRAW
AND TAKE OFF CALENDAR
DEFENDANT'S MOTION TO
DISMISS, TO SET SEPTEMBER 14,
2010 AS THE DATE BY WHICH
PLAINTIFFS SHALL FILE A
MOTION FOR LEAVE TO AMEND,
AND TO CONTINUE CMC**

Date: September 9, 2010
Time: 2:00 p.m.
Courtroom 2, 4th Floor
Oakland Division

Complaint filed: April 13, 2010

1 Pursuant to the Joint Stipulation of the parties to this action - Plaintiffs Ilya
2 and Lina Kolesnikov and Defendant JPMorgan Chase Bank, N.A. ("Chase") – as
3 follows

4 WHEREAS, Chase recently discovered a document modifying the home
5 mortgage loan of Plaintiffs Ilya and Lina Kolesnikov, and

6 WHEREAS, upon review and in light of that document and loan
7 modification, Plaintiffs desire to amend their complaint to substitute different
8 parties as plaintiff(s), and

9 WHEREAS, in light of Plaintiffs' desire to amend their complaint, it would
10 waste judicial and litigant resources to proceed with the presently pending Motion
11 to Dismiss, which is set for hearing on September 9, 2010, and

12 WHEREAS, in an effort to avoid unnecessary work by the Court on Chase's
13 Motion to Dismiss, Chase agrees to withdraw its motion, without prejudice, to
14 address Plaintiffs' anticipated motion for leave to amend, and

15 WHEREAS, Chase does not believe Plaintiffs have standing to file a motion
16 for leave to amend, and Chase reserves its right to oppose any such motion on any
17 and all grounds, and

18 WHEREAS, the parties further believe that judicial economy would be
19 served by continuing the Case Management Conference presently scheduled for
20 September 9, 2010 to a date after the Court has ruled on Plaintiffs' motion for leave
21 to amend,

22 AND GOOD CAUSE APPEARING THEREFOR,

23 IT IS HEREBY ORDERED THAT:

24 1. Chase's Motion to Dismiss, presently scheduled for hearing on
25 September 9, 2010, is withdrawn without prejudice; and

26 2. Plaintiffs shall file a motion for leave to amend their complaint on or
27 before September 14, 2010, and
28

1 3. The Case Management Conference shall be continued **to November**
2 **16, 2010 at 2:00 p.m.**

3
4 Dated: 8/31/2010


The Honorable Claudia Wilken
United States District Judge